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MAILED

JUL 29 2010

In re Patent No. 7,173,921  
Issue Date: February 6, 2007  
Application No. 09/689,243  
Filed: October 11, 2000  
Patentee(s): Subir Varma

OFFICE OF PETITIONS

NOTICE

This is a Notice regarding your communication filed on June 1, 2010, which is being treated as a request under 37 CFR 1.28(c) for acceptance of a fee deficiency submission.

The request is dismissed.

It noted that the request to accept the fee deficiency filed on June 1, 2010 is signed by Dave Gelvin. However, it is not apparent whether Dave Gelvin is authorized to make the assertion in the above application.

37 CFR 1.28(c)(2) states, "The written assertion can be signed by:

- (i) One of the parties identified in § 1.33(b) (e.g., an attorney or agent registered with the Office), § 3.73(b)<sup>1</sup> of this chapter notwithstanding, who can also file the written assertion;
- (ii) At least one of the individuals identified as an inventor (even though a § 1.63 executed oath or declaration has not been submitted), notwithstanding § 1.33(b)(4), who can also file the written assertion pursuant to the exception under § 1.33(b) of this part; or

<sup>1</sup> 37 CFR 3.73(b) provides that: (1) when an assignee seeks to take action in a matter before the Office, the assignee must establish its ownership of the property to the satisfaction of the Commissioner; (2) ownership is established by submitting to the Office, in the Office file related to the matter in which action is sought to be taken, documentary evidence of a chain of title from the original owner to the assignee (e.g., copy of an executed assignment submitted for recording) or by specifying (e.g., reel and frame number) where such evidence is recorded in the Office; (3) the submission establishing ownership must be signed by a party authorized to act on behalf of the assignee; and (4) documents submitted to establish ownership may be required to be recorded as a condition to permitting the assignee to take action in a matter pending before the Office.

(iii) An assignee of an undivided part interest, notwithstanding §§ 1.33(b)(3) and 3.73(b) of this chapter, but the partial assignee cannot file the assertion without resort to a party identified under § 1.33(b) of this part.

In view of the above, the request to change the entity status cannot be accepted at this time.

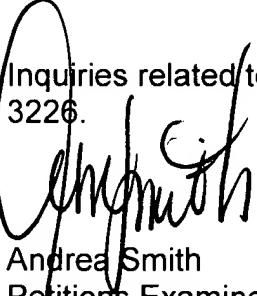
A courtesy copy of this Notice is being mailed to the address given in the request. Thereafter, all future correspondence will be mailed solely to the address of record until otherwise instructed.

Further correspondence with respect to this matter should be addressed as follows:

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The centralized facsimile number is (571) 273-8300.

  
Inquiries related to this communication should be directed to the undersigned at (571) 272-3226.

Andrea Smith  
Petitions Examiner  
Office of Petitions

cc:    Dave Gelvin  
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